

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

ARTHUR SPIEGEL and MARGARET SPIEGEL,

Plaintiffs,

v.

No. 06-CV-203
(TJM/DRH)

ADIRONDACK PARK AGENCY, et al.,

Defendants.

ORDER

A telephone conference was held on-the-record with counsel for all parties in the above-captioned case on March 13, 2007. The conference was held at the request of plaintiffs regarding defendants' assertion of privileges with respect to the production of documents. One of the privileges asserted by defendants is the deliberative process privilege. For the reasons stated on-the-record during the conference, which are incorporated herein by reference, I have determined that, assuming without deciding that the privilege applies to the documents at issue in this case, the qualified protection afforded by the privilege is outweighed by the centrality of the documents in question to the matters at issue in this case. Accordingly, it is hereby

ORDERED that:

1. As to those documents for which defendants have asserted the protection of the deliberative process privilege alone, such documents shall be produced to plaintiffs on or before **March 30, 2007**; and
2. As to the defendants' assertion of the attorney-client privilege as to other documents and plaintiffs' challenge to the assertion of that privilege as to such documents, a

hearing concerning defendants' assertion of that privilege will be held on **March 21, 2007** at **10:00 a.m.** at which defendants will produce such documents for ex parte, in camera review and decision.

IT IS SO ORDERED.

Dated: March 16, 2007
Albany, New York


United States Magistrate Judge